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10/528453

T/PTO

18 MAR 2005

ents

Trade Marks

Designs

Litigation

Patent & Marka Vekilleri ♦ Avrupa Patent Vekilleri

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Ankara, September 27, 2004
Via Facsimile and Mail

RESPONSE TO WRITTEN OPINION

Our Ref.: T035P03-WO

Ref.: International Application No.: PCT/TR03/00082
International Filing Date: 26.09.2003
Priority Date: 26.09.2002
Applicant: KÖKSALAN, Orhan Kaya – KOCAGÖZ, Tanıl

Dear Sirs,

Applicant thanks the Examiner for those comments set forth in the Written Opinion dated 31 August 2004, regarding to the International Search Report of this pending application.

The above referenced patent application is about new molecular size markers which are used for easy and correct interpretation of the results of "polymerase chain reaction - restriction enzyme analysis (PRA) of hsp65 gene" used for species identification of mycobacteria. The claims are about the definition and production method of these molecular size markers.

The International Search Report indicated that one document published by Francesco Brunello et al. titled "Identification of 54 Mycobacterial Species by PCR-Restriction Fragment Length Polymorphism Analysis of the HSP65 Gene" is of particular relevance (category "X").

In this publication the method used for the analysis of hsp65 gene of mycobacteria is similar to the method used for production of molecular size markers defined in the present patent application which may be considered as relevant. However there is no specific molecular size markers used or defined in the study of Brunello et al. which contained DNA fragments exactly the same size as that obtained from mycobacteriae. The molecular size markers which are the subject of the present invention contain fragments exactly the same size as the restriction fragments of

mycobacteriae. These molecular size markers specific to PRA of mycobacteriae alleviates the accurate size determination of tested mycobacterial strains' restriction fragments. For that reason applicant strongly believe that the publication of Brunello et al. cited in the International Search Report do not affect the novelty and/or inventive step of the International Application No. PCT/TR03/00082.

After evaluating the International Search Report we have revised the claims section of the present patent application. We have removed all the claims that defined the production of molecular size markers which may be considered relevant to the method used in the study of Brunello et al. for the analysis of hsp65 gene. We still claim however the new molecular size markers which are used for easy and accurate interpretation of restriction patterns which is neither defined or referred in the publication of Brunello et al. nor in any other previously published studies.

Applicant respectfully requests reconsideration in light of these views and issuance of a favourable International Preliminary Examination Report.

Respectfully submitted by the attorney for Applicant.

PARAGON CONSULTANCY INCORPORATED



Hülya ÇAYLI (Mrs.)
European Patent Attorney

Enclosure: Amended Claims

CLAIMS

- 1- A DNA molecular size marker that contains DNA fragments which are 441, 325, 231, 210, 131, 116, 94 and 79 base pairs long (Figure 1-Marker B).
- 2- A DNA molecular size marker that contains DNA fragments which are 185, 161, 152, 139, 127, 103, 87, 69, 59, 58, 42, 40, 36 and 34 base pairs long (Figure 2- Marker H).